

MT LEGISLATIVE HISTORY

Chapter 197 19 69

Bill H _____ S 221

Original bill & hist. C

H. Committee on St. Admin.

S. Committee on St. Admin.

Hearing Date(s) 2/15 C

Hearing Date(s) 2/13 C

2/18 C

2/9 C

 C

 C

 C

 C

Date Out C

 C

Did this bill originate in an interim committee? Yes No

Committee

Report

BILL NO.	ENTERED COMM.	OUT OF COMM.	COMMITTEE ON STATE ADMINISTRATION 1969					BE NOT CONCURRED IN	
			DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CON- CURRED IN	BE CONCURRED IN AS AMENDED		
SB 163	1-21-69	2-10-69			X				
SB 162	1-21-69	2-5-69		X					
SB 155	1-21-69	2-5-69	X						
SB 123	1-21-69	2-3-69	X						
SB 180	1-22-69	2-7-69		X					
SB 147	1-21-69	2-9-69			X				
SB 148	1-21-69	2-7-69			X				
SB 143	1-21-69	2-3-69	X						
HB 49	1-24-69	2-17-69				X			
HB 79	1-24-69	2-19-69				X			
HB 137	1-23-69	2-22-69					X		
HB 139	1-23-69	2-19-69				X			
SB 200		2-5-69	X						
SB 204		referred to Constitutions, Elections and Federal Relations							
SB 220		2-4-69	X						
SB 221	2-3-69	2-9-69			X				
SB 226		1-30-69	referred to Local Government						
SB 231		2-4-69	X						
SB 235		2-14-69	X						
SB 236		2-10-69		X					
SB 239		2-5-69		X					
SB 252		2-3-69	X						
SB 256		2-11-69	X	later referred to Commerce and Labor					

February 3, 1969
Adjournment

A meeting of STATE ADMINISTRATION was called to order by the chairman on the above date at adjournment, Room 410. Roll call was taken with a quorum present.

SENATE JOINT RESOLUTION 22 was discussed which deals with a field training site for the National Guard. Proponent Senator Jack Rehberg stated that approximately three hundred square miles were needed. He explained that an amendment is needed in the bill to authorize the findings to be reported to the next legislative assembly.

SENATE BILL 177; author Senator Thiessen explained the legislative fiscal review board of the Legislative Council. Proponent Senator Hibbard from Lewis and Clark County served on the legislative fiscal review committee for the past two years and defined this fiscal committee as a way to look at the state budget from a legislative viewpoint rather than the executive viewpoint. Proponent, Mr. James VanKoten, fiscal analyst, explained his position on this committee as designed to help the legislature before the money is appropriated; had compiled "Montana Federal Fund Inventory", "Summary of Montana State Institutions" and "Budget Summary."

SENATE JOINT RESOLUTION 19 was reviewed by Senator Goodheart, author, regarding a domiciliary for veterans at Fort Harrison.

SENATE BILL 284, was reviewed by Senator Folsom, author, regarding competition from out-of-state on state contracts. This bill was also explained by Senator Sparks.

SENATE BILL 221 proponents were: Jack Marlow, Secretary of Montana Contractors Association; amendments were submitted by Mr. Carney and Mr. P. L. McDonald, representing Anaconda Copper Mining Corp. Senator Nees and Senator Rostad were appointed to a subcommittee.

SENATE BILL 284: Senator McDonald moved that SENATE BILL 284 DO NOT PASS. It was seconded by Senator Lyon and carried, as SB 221 was a similar bill.

SENATE BILL 82 was amended in the title upon a motion made by Senator Rostad and seconded by Senator Lyon and carried. Senator Rostad moved that SENATE BILL 82 AS AMENDED DO PASS; it was seconded by Senator Nees and carried.

SENATE JOINT RESOLUTION 19: Senator McDonald moved that SENATE JOINT RESOLUTION 19 DO PASS. It was seconded by Senator Rostad and carried.

February 9, 1969
Adjournment

The meeting of the State Administration Committee was called to order by Vice-Chairman, Senator Nees, with a quorum present.

SENATE BILL NO. 172 was explained by Senator Mackay, one of the authors. He submitted an amendment to the bill and moved its adoption. This was seconded by Senator McKeon and carried. Senator McKeon then moved that SENATE BILL NO. 172 DO PASS AS AMENDED, and it was decided that the Chairman of the Bills Committee was to be notified that the bill would be called back to the committee after printing, if necessary, for further consideration. Senator Mackay seconded the motion and it carried, with Senator Rosell voting no.

SENATE BILL NO. 317 was explained by Mr. Ross Cannon, representing the Public Employees Retirement System. He stated that since the committee had last reviewed this, he had made some modifications. He also said that the modified proposals would make the employee contributions and the employer contributions more to the liking of the committee. Mr. John Sasek, Secretary of the P.E.R.S., appeared on this bill and further explained it. Attached, hereto, is a chart showing the proposed increases in amounts of employer's (state's) share. Mr. Cannon stated that he would have these suggestions drawn up in amendment form by the next morning, February 10.

SENATE BILL NO. 269 was then acted on. Senator Mitchell motioned that the bill DO NOT PASS. This was seconded by Senator Mackay and the motion carried. The above action followed comments made by Lt. Colonel Murphy of the Montana National Guard Association. Colonel Murphy felt that the bill needed further provisions and would rather hold it until the next legislative session. Author of the bill, Senator Mitchell, agreed to this.

SENATE BILL NO. 163, regarding veterans preference, was amended on page 4, subsection (5), line 11 by striking this in its entirety. This motion was made by Senator McKeon, seconded by Senator Rostad and carried. The bill was then put back into subcommittee, in order to confer with Senator Goodheart regarding the dates in the bill.

SENATE BILL NO. 221 was reported on by the subcommittee composed of Senators Nees and Rostad. Senator Rostad moved the amendments, which were suggested by Mr. Reardon, be adopted. This was seconded by Senator Nees and carried. Senator McKeon moved SENATE BILL 221 AS AMENDED DO PASS. The motion was seconded by Senator Rostad and carried.

SENATE BILL NO. 317 was discussed and Senator Lyon agreed to work with Senator Reber on this to cover it on the floor. Senator McKeon moved SENATE BILL 317 AS AMENDED DO PASS, seconded by Senator Mitchell and carried.

STATE ADMINISTRATION COMMITTEE

41st Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
SB144	Airport passenger charges	2/15					
SB147	Practice of engineering	2/15					
SB166	Interest used for state revenue	2/10	2/18		2/18	DO CONCUR	SIGNED BY GOVERNOR
SB187	Egg regulations	2/8	2/20		2/20	DO CONCUR	SIGNED BY GOVERNOR
SB195	Certificate of title for rebuilt cars	2/9					KILLED
SB220	Oil and gas Commission Compensation	2/10					SIGNED BY GOVERNOR
SB221	Contracts for supplies	2/15	2/18		2/18	DO CONCUR AS AMENDED	SIGNED BY GOVERNOR
SB231	Defining printing	2/10					

STATE ADMINISTRATION COMMITTEE

February 18, 1969

The State Administration Committee met on February 18, 1969, at 10:30 A.M. in Room 434 in the State Capitol. Chairman Ulmer and fifteen members were present.

Senator Mathers appeared to explain SB61 which would regulate Montana standards of weights and measures. Mr. Gary Delano of the Department of Agriculture was present to supplement testimony.

Rep. Loble attended the meeting to present an amendment to SB221 which would give Montana manufacturers and contractors priority in bidding for contracts.

SB16..Senator Bollinger offered an amendment to the bill regarding per diem for members of the hospital and long term care advisory committee. Dr. John Anderson of the State Board of Health was a witness.

Senator Rehberg, sponsor, told the group of the purposes of SJR9 which would create a commission to study the profession of Osteopathy. Dr. Clem Shafer of the Helena Osteopathic Clinic testified.

Senator Turnage attended the committee meeting to discuss SJR12, a bill to request the Legislative Council to conduct a study of the procedures of an administrative procedures act. Mr. Roberic Gudgel, an executive for two Montana associations attended the hearing to favor the bill.

SB166 was explained by Mr. John Sasek, Mr. Owen Morris and Mr. Larry Nachtsheim all of the Public Employees Retirement System. The bill would provide interest from income to be credited to various factions of the association.

Chairman Ulmer then asked the committee to act on the following bills:

SB221..Rep. Scott moved the bill be amended and as amended BE CONCURRED IN. A vote count showed 7 for and 5 against. Motion carried. Rep. Scott will carry the bill on the House floor.

SB61..Rep. Swan moved the bill BE CONCURRED IN. Motion carried. Rep. Newby will carry it on the House floor.

SB16..Rep. Feda moved the bill BE CONCURRED IN. Motion carried. Rep. Feda will carry the bill on the floor.

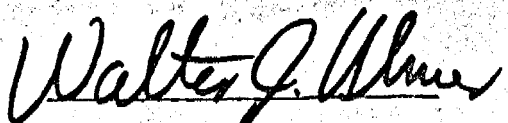
SJR9..Rep. Newby moved the bill BE CONCURRED IN. Rep. Swan moved a substitution motion that the bill NOT BE CONCURRED IN. The motion failed. Original motion was then considered. Motion carried. Rep. Newby will carry the bill on the House floor.

SJR12..Rep. Bardanouve moved the bill BE CONCURRED IN. Motion carried. Rep. Bardanouve will carry it on the House floor.

SB166..Rep. Stratton moved the bill BE CONCURRED IN. Motion carried. Rep. Stratton will carry it on the floor.

SB1..Rep. Feda moved the committee pass consideration for the day. Chairman Ulmer appointed the following sub-committee: Rep. Swan, Rep. Scott and Rep. Speare.

Meeting adjourned at 12:10 P.M.


WALTER J. ULMER, CHAIRMAN

CHAPTER 196

An Act Amending Section 60-125, R.C.M. 1947, Relating to the Oil and Gas Conservation Commission of the State of Montana; Increasing the Compensation of Commission Members from Fifteen Dollars Per Day to Twenty Dollars Per Day.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 60-125, R.C.M. 1947, is amended to read as follows:

Oil and gas
conservation
commission.

"60-125. Oil and gas conservation commission—members—term—oath—seal—employees. A. There is hereby created the oil and gas conservation commission of the state of Montana.

Members—term.

B. The oil and gas conservation commission of the state of Montana shall be composed of five (5) persons to be appointed by the governor, with the concurrence of the state senate. That of the commissioners, two (2) and not more than two (2) will be appointed for a period of two (2) years, and they shall be from industry. One (1) nonindustry man shall be appointed for three (3) years and one for four (4) years and one (1) for five (5) years. At the expiration of the term of the two (2) industry men, the appointment of their successor shall be for four (4) and five (5) years respectively, after which all vacancies shall be filled for five (5) year terms. All appointed members of the commission shall be subject to removal by the governor for cause at any time. In case of a vacancy in the office of a member of the commission, an appointment shall be made to fill such vacancy in the manner prescribed by the constitution of the state of Montana.

Qualifications.

C. Persons appointed as members of the commission shall have been bona fide residents of the state of Montana for at least one (1) year before such appointment, and the two (2) industry members, shall have had at least three (3) years' experience in the production of oil or gas.

Oath.

D. Each member appointed to the commission and each person appointed to office by the said commission before entering upon the duties of his office shall take and subscribe to the oath specified in section 1, article 19, of the constitution of the state of Montana and such oaths shall be filed in the office of the secretary of state.

E. The commission shall have a seal with the words engraved thereon: "Oil and Gas Conservation Commission of Montana," and such seal shall be affixed to all writs, authentication of records or other official proceedings of the commission. The courts of this state shall take judicial notice of such seal.

Seal.

F. The commission shall appoint an executive secretary and may employ such other persons as experts, geologists, petroleum engineers, attorneys, assistants, field supervisors, clerks and stenographers and may acquire such personal property as may be necessary to perform the duties that may be required of it, and fix the compensation of the executive secretary and employees. Each member of the commission shall receive, as compensation for his services, the sum of *twenty dollars (\$20)* per day for each day actually engaged in the performance of the duties of his office, including time of travel between his home and the place at which he performs such duties, together with transportation and per diem expenses as provided by law in the discharge of said duties; provided, however, that the total expenditures of such commission shall not exceed in the aggregate during any fiscal year, the amount actually collected under the provisions of section 60-145, plus any amount appropriated for that purpose, or otherwise accruing to said fund."

Employees.

Approved: March 3, 1969.

CHAPTER 197

An Act to Amend Sections 82-1924, 82-1925, and 82-1926, R.C.M. 1947, to Provide that All Contracts of the State of Montana, Agencies Thereof, Political Subdivisions Thereof, School Districts and Other Public Corporations for Materials, Supplies, Equipment, Construction, Repair and Public Works, Including Contracts Involving Funds Obtained from the Federal Government Unless Expressly Prohibited by the Laws of the United States or Regulations Adopted Pursuant Thereto, Shall be Awarded to the Lowest Responsible Bidder Who is a Resident of or Has Its Principal Place of Business in the State of Montana Whose Bid Is Not More than Three

Percent Higher Than that of the Lowest Responsible Bidder Who Is Not a Resident of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 82-1924, R.C.M. 1947, is amended to read as follows:

State contracts to be awarded to lowest responsible resident bidder.

"82-1924. **State contracts to be awarded to lowest responsible resident bidder.** In order to provide for an orderly administration of the business of the state of Montana in awarding contracts for materials, supplies, equipment, construction, repair and public works of all kinds, it shall be the duty of each board, commission, officer or individual charged by law with the responsibility for the execution of the contract on behalf of the state, board, commission, political subdivision, agency, school district or a public corporation of the state of Montana, to award such contract to the lowest responsible bidder who is a resident of the state of Montana and whose bid is not more than three percent (3%) higher than that of the lowest responsible bidder who is a non resident of this state. *In awarding contracts for purchase of products, materials, supplies or equipment such board, commission, officer or individual shall award the contract to any such resident whose offered materials, supplies or equipment are manufactured or produced in this state by Montana industry and labor and whose bid is not more than three percent (3%) higher than that of the lowest responsible resident bidder whose offered materials, supplies or equipment are not so manufactured or produced, provided that such products, materials, supplies and equipment are comparable in quality and performance.* This requirement shall prevail whether the law requires advertisement for bids or does not require advertisement for bids and it shall apply to contracts involving funds obtained from the federal government unless expressly prohibited by the laws of the United States or regulations adopted pursuant thereto."

Amending clause.

Section 2. Section 82-1925, R.C.M. 1947, is amended to read as follows:

Residence defined—domestic corporations.

"82-1925. **Residence defined—domestic corporations.** For the purpose of this act the word 'resident' shall include actual residence of an individual within the state for a period of more than one (1) year immediately prior to

bidding; in a partnership enterprise or an association, the majority of all partners or association members shall have been actual residents of the state of Montana for more than one (1) year immediately prior to bidding; domestic corporations organized under the laws of the state of Montana are prima facie eligible to bid as residents but this qualification may be set aside and a successful bid disallowed where it is shown to the satisfaction of the board, commission, officer or individual charged with the responsibility for the execution of such contract that said corporation is a wholly owned subsidiary of a foreign corporation or that said corporation was formed for the purpose of circumventing the provisions of this act relating to residence. *Notwithstanding the foregoing, any individual, partnership or corporation, foreign or domestic and regardless of ownership thereof, whose offered materials, supplies or equipment are manufactured or produced in this state by industry located in Montana and Montana labor shall be deemed to be a resident for the purpose of this act."*

Section 3. Section 82-1926, R.C.M. 1947, is amended to read as follows:

Amending clause.

"82-1926. **Contract provisions for preference to Montana products—failure to comply—federal-aid projects.** Each contract awarded by any political subdivision, school district, public corporation or agency of the state of Montana shall contain among its provisions a requirement that in all instances products manufactured or produced in this state by Montana industry and labor shall be preferred for use in all projects and in all materials, supplies and equipment, if such products, materials, equipment and supplies are comparable in price and quality. Further, in this connection, it is the intent of this act that wherever possible products manufactured and produced in this state which are suitable substitutes for products manufactured or produced outside the state and comparable in price, quality and performance, shall be preferred for use in all projects and in all state institutions.

Contract provision for preference to Montana products—failure to comply—federal-aid projects.

Failure to comply with the law in this respect shall disqualify such contractor as a qualified bidder for future contracts with the state of Montana, any legal subdivision of the state of Montana, any school district, public corporation or agency for a period of two (2) years.

The preference herein given to Montana products shall apply to contracts involving funds obtained from the federal government unless expressly prohibited by the laws of the United States or regulations adopted pursuant thereto."

Approved: March 3, 1969.

CHAPTER 198

An Act Amending Section 25-306, R.C.M. 1947, to Increase Salaries of Justices of the Peace in Certain Townships.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 25-306, R.C.M. 1947, is amended to read as follows:

Salaries of justices of the peace in certain townships—hours—quarters.

"25-306. **Salaries of justices of the peace in certain townships—hours—quarters.** Justices of the peace in townships having a population of ten thousand (10,000) people, and not exceeding fifteen thousand (15,000) people, shall each receive a salary of *four thousand two hundred dollars (\$4,200)* per annum, payable monthly from the county treasury; justices of the peace in townships having a population of more than fifteen thousand (15,000) people, and not exceeding eighteen thousand (18,000) people, shall each receive a salary of *four thousand five hundred dollars (\$4,500)* per annum, payable monthly from the county treasury; justices of the peace in townships having a population of more than eighteen thousand (18,000) people, shall each receive a salary of *five thousand five hundred dollars (\$5,500)* per annum, payable monthly from the county treasury; justice of the peace in such townships shall receive no other additional fees or compensation whatever, except that they may receive and keep those fees designated as "miscellaneous fees" by section 25-304; justices of the peace in townships having a population of less than ten thousand (10,000) people shall receive the fees and emoluments provided under existing laws; justices of the peace in townships having a population of ten thousand (10,000) people and upwards shall keep their offices open for business from 9 o'clock a.m. to 12 o'clock noon, and from 1 o'clock p.m. to 5 o'clock p.m. on all judicial days, and at such other hours on judicial days as they may de-

sire; providing, however, the office may be closed from 1 o'clock p.m. to 5 o'clock p.m. on Saturdays and such justices shall occupy such quarters as may be furnished and selected for them by the board of county commissioners, and said board may, in its discretion, select suitable quarters for such justices and may, in its discretion, pay for same from money in the county treasury."

Approved: March 3, 1969.

CHAPTER 199

An Act to Provide for the Reclamation of Strip Coal Mined Lands and Declaring a Penalty.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It is declared to be the policy of this state to provide, after surface coal mining operations are completed, for reclamation of affected lands to encourage productive use including but not limited to: the planting of forests; the seeding of grasses and legumes for grazing purposes; the planting of crops for harvest; the enhancement of wildlife and aquatic resources; the establishment of recreational, home, and industrial sites; and for the conservation, development, management and appropriate use of all the natural resources of such areas for compatible multiple purposes, to aid in maintaining or improving the tax base, and protecting the health, safety and general welfare of the people, as well as the natural beauty and aesthetic values, in the affected areas of this state.

Policy for the reclamation of lands after surface coal mining operations.

Section 2. Wherever used or referred to in this act, unless a different meaning clearly appears from the context:

(1) "Reclamation for productive use" means conditioning areas affected by surface coal mining to make them suitable for any uses or purposes consistent with those enumerated in the statement of policy.

"Reclamation for productive use."

(2) "Overburden" means all of the earth and other materials which lie above natural deposits of coal, and also means such earth and other materials disturbed from their natural state in the process of surface coal mining.

"Overburden."